

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HARBINGER CAPITAL PARTNERS
MASTER FUND I, LTD., *et al.*,

Plaintiffs,

-against-

WACHOVIA CAPITAL MARKETS, LLC
d/b/a WACHOVIA SECURITIES, *et al.*,

Defendants.

No. 07-CV-08139 (DC)

AFFIRMATION OF ROBERT LOIGMAN

I, Robert S. Loigman, an attorney duly admitted to practice law in the State of New York, hereby affirm under the penalty of perjury as follows:

1. I am a member in good standing of the Bar of the State of New York and a partner in the law firm of Quinn Emanuel Urquhart Oliver & Hedges LLP, counsel for Plaintiffs in the above-captioned action. I submit this affirmation in opposition to Defendants' motions to dismiss, without prejudice, Plaintiffs' claims under the Racketeer Influenced and Corrupt Organizations Act ("RICO") and pendent state law claims.

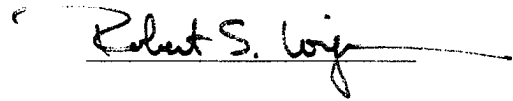
2. Attached hereto as Exhibit 1 is a true and correct copy of the Chapter 11 Trustee's Motion for Order authorizing (1) payment of broker's fees and expenses and valuation professional, and (2) distributions of pro rata shares from sale and settlement proceeds to

equipment lessors and estate pursuant to broker agreement and term sheet, in *In re Le Nature's Inc.*, No. 06-25454 (Bankr. W.D. Pa.), with exhibits thereto.

3. Attached hereto as Exhibit 2 is a true and correct copy of Wachovia Bank's Complaint in *Wachovia Bank, N.A. v. Harbinger Capital Partners Master Fund I, Ltd., et. al.*, No. 07 CVS 5097, filed in the North Carolina General Court of Justice, Superior Court Division, County of Mecklenburg.

4. Attached hereto as Exhibit 3 is a true and correct copy of the North Carolina General Court of Justice's Preliminary Injunction Order in *Wachovia Bank, N.A. v. Harbinger Capital Partners Master Fund I, Ltd., et. al.*, No. 07 CVS 5097.

Executed on December 4, 2007

A handwritten signature in black ink, reading "Robert S. Loigman", is written over a horizontal line.

Robert S. Loigman

CERTIFICATE OF SERVICE

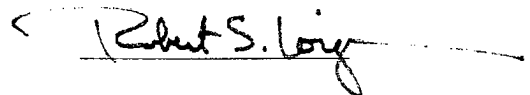
I, Robert S. Loigman, a member of the Bar of this Court, hereby certify that on December 4, 2007, I caused the foregoing Affirmation and accompanying exhibits to be served by email and/or first class mail on:

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A handwritten signature in black ink, reading "Robert S. Loigman", with a horizontal line extending to the right.

Robert S. Loigman